

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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CARRIE M. LEO,

Plaintiff,

v

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION, and THE  
UNITED STATES DEPARTMENT OF  
AGRICULTURE, and the following INDIVIDUALS, in  
their individual and official capacities: BASIL  
SEGGOS—Commissioner, SONNIE PERDUE—  
Secretary, WILLIAM POWELL—Lieutenant/Captain,  
DEC Division of Law Enforcement, JOSEPH  
THERRIEN—Director, DEC Special Licenses Unit,  
ANDREA D’AMBROSIO—USDA Animal Care  
Inspector, and John/Jane Does #1-15,

Defendants.

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Index No. 6:20-cv-07039  
(Hon. Frank P. Geraci, Jr.)

**NOTICE OF MOTION TO DISMISS  
PURSUANT TO  
FRCP 12(b)(1), (6)**

Please take notice pursuant to Local Rule 7(a)(1) that on the \_\_\_\_ day of \_\_\_\_\_,  
2021 at \_\_\_\_:\_\_\_\_ AM/PM at the U.S. District Court for the Western District of New York, located  
at 100 State Street, Rochester, NY 14614, defendants New York State Department of  
Environmental Conservation, Basil Seggos, Joseph Therrien, and William Powell (together,  
“Defendants”) will move this Court, pursuant to FRCP 12(b)(1) and 12(b)(6), to dismiss the  
complaint in this action.

For the reasons stated in detail in the memorandum of law filed with this notice pursuant  
to Local Rule 7(a)(2)(A), the Declaration of Assistant Attorney General Brittany M. Haner, dated  
March 22, 2021, filed pursuant to Local Rule 7(a)(3), together with attached exhibits, and all  
other pleadings and papers filed in this action, Defendants respectfully request that this Court  
enter judgment against plaintiff Carrie M. Leo dismissing the complaint in this action and  
granting any such further relief as the Court deems just and proper.

Under Local Rule 7(b)(2)(B), plaintiff is required to file and serve opposing papers fourteen (14) days after the service of this motion, if the Court does not issue an order with an alternative deadline. Defendants reserve the right to file and serve reply papers.

Dated: March 22, 2021

LETITIA JAMES

Attorney General of the State of New York  
Attorney for State Defendants

By: /s/ Brittany M. Haner  
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